

EXHIBIT A

STATE COURT DOCUMENTS

STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

Jane Doe,

Plaintiff,

v.

South Carolina Department of Corrections,

Defendant.

SUMMONS

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is served upon you, and to serve a copy of your answer to this Complaint upon the subscriber at the address shown below within thirty (30) days (thirty five (35) days if served by United States Mail) after service hereof, exclusive of the date of such service, and if you fail to answer the Complaint, judgment by default will be rendered against you for the relief demanded in the Complaint.

CROMER BABB PORTER & HICKS, LLC

BY: s/ Elizabeth M. Bowen
Elizabeth M. Bowen (#103337)
1418 Laurel Street, Suite A
Post Office Box 11675
Columbia, South Carolina 29211
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Attorney for Plaintiff

March 6, 2023
Columbia, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

Jane Doe,

Plaintiff,

v.

South Carolina Department of Corrections,
Defendant.

**COMPLAINT
(Jury Trial Demanded)**

EMPLOYMENT CASE

Plaintiff, complaining of Defendant herein, respectfully alleges the following:

PARTIES AND JURISDICTION

1. Plaintiff Jane Doe is a citizen and resident of Sumter County, South Carolina.
2. Defendant South Carolina Department of Corrections is a state agency, tasked with confiding and rehabilitating offenders in controlled facilities throughout the state of South Carolina, including Lancaster County.
3. This action arises under Title VII of the Civil Rights Act of 1964, as amended, and the common law of South Carolina.
4. The parties have substantial connections to Lancaster County, South Carolina. The events giving rise to this action occurred in Lancaster County, South Carolina. This Court can exercise subject matter jurisdiction over these claims, and jurisdiction is proper.

FACTUAL ALLEGATIONS

5. Plaintiff began working for Defendant on or around May 25, 2020.

6. Plaintiff most recently served as a Food Supervisor IV for Defendant at Kershaw Correctional Institution in Lancaster County.

7. Plaintiff performed her job in a competent and professional manner.

8. During Plaintiff's employment, the inmate Head Clerk ("Inmate Richardson") who worked in the kitchen made inappropriate sexual comments toward Plaintiff and other female employees.

9. Plaintiff ignored and turned down Inmate Richardson's unwelcomed advances and told him to stop the inappropriate behavior.

10. On or around October 3, 2020, Inmate Richardson sexually assaulted Plaintiff in the contraband room and threatened to harm Plaintiff and her son if Plaintiff reported his conduct to Kershaw Correctional Institution's warden.

11. Plaintiff reported the sexual assault to her superiors and informed her superiors and coworkers that she feared for her safety.

12. Defendant did not address Plaintiff's concerns or reprimand Inmate Richardson.

13. On or around November 1, 2020, Inmate Richardson sexually assaulted Plaintiff again.

14. Plaintiff reported the sexual assault to her superiors and reported that she feared for her safety.

15. Defendant did not address Plaintiff's concerns, investigate, charge, or punish Inmate Richardson.

16. On or around November 7, 2020, one of Plaintiff's superiors told Plaintiff that Inmate Richardson was fired from his position with the kitchen, but Defendant allowed him to continue working in the kitchen with Plaintiff.

17. On or around November 21, 2020, Inmate Richardson held the office door shut, confronted Plaintiff in a hostile manner, and would not allow Plaintiff to leave. Inmate Richardson threw an empty bleach bottle toward Plaintiff, which hit Plaintiff in the head.

18. Plaintiff reported Inmate Richardson's actions to her superiors.

19. Defendant did not investigate the sexual assaults from Inmate Richardson when Plaintiff reported them.

20. In or around late November 2020, one of Plaintiff's superiors told Plaintiff that Inmate Richardson would be moved to a different shift, but Defendant allowed Inmate Richardson to work on Plaintiff's shift after that conversation.

21. In or around late November 2020, Plaintiff told her superiors that she was going to report the sexual harassment to the warden.

22. In response, Plaintiff's superiors discouraged Plaintiff from reporting the sexual harassment, spoke highly of Inmate Richardson, and threatened to have Plaintiff escorted from the building.

23. Upon information and belief, Plaintiff's superiors met with Inmate Richardson and informed him that Plaintiff reported that Inmate Richardson sexually assaulted Plaintiff.

24. Upon information and belief, Inmate Richardson then told SCDC that Plaintiff had consensual sex with him.

25. On or around December 16, 2020, Defendant falsely accused Plaintiff of staff sexual misconduct with an inmate and suspended Plaintiff.

26. One of Plaintiff's male superiors apologized to Plaintiff for not reporting Inmate Richardson when she first told him about the assaults and told Plaintiff that he did not report Inmate Richardson because of romantic feelings toward Plaintiff.

27. Plaintiff told the superior she was having suicidal ideations as a result of the false accusations against her.

28. The superior told Plaintiff that SCDC had knowledge of unwelcomed advances from Inmate Richardson toward female employees in the past through previous complaints.

29. On August 2, 2021, Defendant terminated Plaintiff's employment.

30. The reasons for Plaintiff's termination are false and pretextual.

31. Plaintiff did not engage in consensual sex with the inmate.

32. Plaintiff was sexually assaulted by Inmate Richardson.

FOR A FIRST CAUSE OF ACTION
(Gender Discrimination in Violation of Title VII)

33. Plaintiff realleges the foregoing where consistent.

34. Plaintiff, a female, is a member of a protected class.

35. Plaintiff was subjected to severe and pervasive unwelcomed sexual harassment and assault from a male inmate who worked in Defendant SCDC's kitchen during her employment with Defendant.

36. Defendant knew or should have known of the sexual harassment and assault and took no effective remedial action.

37. Such unwanted sexual conduct created an intimidating and hostile work environment and was subjectively viewed by Plaintiff to be abusive.

38. Such treatment impacted tangible aspects of Plaintiff's compensation, terms, and conditions of employment.

39. The conduct was sufficiently severe or pervasive to alter the conditions of employment.

40. Moreover, Defendant treated Plaintiff disparately with respect to the terms and conditions of her employment in comparison to similarly-situated male employees by ignoring Plaintiff's

complaints, falsely accusing her based on a male inmate's false accusations, and terminating her based on the male inmate's false accusations.

41. Such disparate treatment was based on Plaintiff's gender.

42. The actions taken by Defendant violate Plaintiff's rights under Title VII of the Civil rights Act of 1964, as amended.

43. As a direct and proximate result of the violation of her civil rights under title VII by Defendant, Plaintiff has suffered, and Defendant is liable to Plaintiff for actual, dignitary, and emotional damages which are non-compensable under the south Carolina Worker's Compensation Act, including back pay, front pay, loss of benefits, prospective benefits, pain and suffering, emotional distress, and reputation harm, as well as the reasonable attorney fees and costs associated with this action. Plaintiff also seeks pre-judgment interest on all damages sought.

FOR A SECOND CAUSE OF ACTION
(Title VII Retaliation)

44. Plaintiff realleges the foregoing where consistent.

45. Plaintiff engaged in protected activity when she reported the sexual assault and discrimination to Defendant.

46. Defendant discouraged Plaintiff from reporting the sexual harassment, threatened Plaintiff, suspended Plaintiff, and ultimately terminated her employment because of Plaintiff's reports of discrimination and sexual assault.

47. Defendant is liable for its willful and wrongful retaliation against Plaintiff for the protected actions she took against unfair, egregious, and justifiably perceived sexual assault and discrimination.

48. As a direct and proximate result of Defendant's action, Plaintiff has suffered, and Defendant is liable to Plaintiff for actual, dignitary, and emotional damages which are non-

compensable under the south Carolina Worker's Compensation Act, including back pay, front pay, loss of benefits, prospective benefits, pain and suffering, emotional distress, and reputational harm, as well as the reasonable attorney fees and costs associated with this action. Plaintiff also seeks pre-judgment interest on all damages sought.

FOR A THIRD CAUSE OF ACTION
(Wrongful Discharge)

49. Plaintiff realleges the foregoing where consistent.

50. Plaintiff reported prison rape pursuant to the Prison Rape Elimination Act of 2003, 34 U.S.C. 303, (PREA).

51. PREA prohibits retaliation for sexual abuse or sexual harassment and for cooperating with sexual abuse investigations.

52. Plaintiff was terminated in retaliation for reporting the prison rape.

53. Plaintiff was terminated in violation of PREA.

54. Defendant's actions amount to a wrongful discharge in violation of PREA and public policy.

55. As a direct and proximate result of the wrongful discharge, Plaintiff has suffered, and Defendant is liable to Plaintiff for actual, dignitary, and emotional damages which are non-compensable under the south Carolina Worker's Compensation Act, including back pay, front pay, loss of benefits, prospective benefits, pain and suffering, emotional distress, and reputational harm, as well as the reasonable attorney fees and costs associated with this action. Plaintiff also seeks pre-judgment interest on all damages sought.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant, in amounts equal to the sum of her actual damages, including embarrassment and suffering, in amounts to be determined

by a jury, together with an award of reasonable attorney's fees and costs of this action, and for any such other and further relief as this Honorable Court deems just and proper.

CROMER BABB PORTER & HICKS, LLC

BY: s/ Elizabeth M. Bowen

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Attorney for Plaintiff

March 6, 2023
Columbia, South Carolina

AFFIDAVIT OF SERVICE

State of South Carolina

County of Lancaster

Common Pleas Court

Case Number: 2023-CP-29-00276

Plaintiff:

Jane Doe

vs.

Defendant:

South Carolina Department of Corrections

For:

Cromer Babb Porter & Hicks, LLC

1418 Laurel St.

Suite A

Columbia, SC 29201

Received by Palmetto Legal Gophers, LLC to be served on **S.C. Department of Corrections c/o: Bryan Stirling, Director, 4444 Broad River Road, Columbia, SC 29221.**

I, Tammy Trevathan, being duly sworn, depose and say that on the **7th day of March, 2023** at **9:54 am**, I:

served a **GOVERNMENT AGENCY** by delivering a true copy of the **Letter, Summons, Complaint** to: **Marcie Lawrence** as **Authorized To Accept** for **S.C. Department of Corrections c/o: Bryan Stirling, Director**, and informed said person of the contents therein, in compliance with State Statutes.

Description of Person Served: Age: 38, Sex: F, Race/Skin Color: Caucasian, Height: 4'11", Weight: 160, Hair: Black, Glasses: Y

I certify that I am over the age of 18 and have no interest in the above action.

Subscribed and Sworn to before me on the 7th
day of March, 2023 by the affiant who
is personally known to me.

NOTARY PUBLIC

EXP. DATE

Ron Grossberg
Notary Public, South Carolina
My Commission Expires
March 3, 2030



Tammy Trevathan

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PO Box 6108
Columbia, SC 29260
(803) 216-1621

Our Job Serial Number: LPW-2023000643



STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER

Jane Doe,

Plaintiff,

v.

South Carolina Department of Corrections,

Defendants.

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

Case No. 2023-CP-29-00276

CERTIFICATE OF SERVICE

This is to certify that the undersigned employee of Cromer Babb Porter & Hicks, LLC, did cause to have served on March 9, 2023, a copy of the Summons and Complaint, by First Class Mail, certified mail, return receipt requested, postage prepaid, to the following at the below indicated address:

Certified Mail/Return Receipt Requested


Hon. Alan Wilson
SC Attorney General
P.O. Box 11549
Columbia, SC 29211

Receipt #91 7199 9991 7037 2950 7033



Sarah L. Plouff, Litigation Paralegal

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>Stephanie Kennedy</i></p>
<p>1. Article Addressed to:</p> <p><i>The Honorable Alan Wilson</i> <i>SC Attorney General</i> <i>P.O. Box 11549</i> <i>Columbia, SC 29211</i></p>	<p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>Stephanie Kennedy</i> <i>3/9/23</i></p>
<p>2. Article Number (Transfer from service label)</p> <p><i>91 7199 9991 7037 2950 7033</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail</p>	<p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>


 9590 9402 7290 2028 1760 17

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt